

REMARKS

In the following statement, the applicants supplement their identification of portions of their specification that support the amended claims presented in their response of May 16, 2007. The applicants refer herein only to those independent claims substantively amended and to certain of the dependent claims relating thereto. The specification section are referenced by the paragraph number of the applicants' U.S. Published Application No. 2005/0058761. A parenthetical follows the paragraph number that also references the applicants' originally-filed application by page and line number.

Claim 1 was amended to recite a dairy-based food product that includes a casein source, acidic calcium sulfate or sodium acid sulfate, a sufficient amount of a masking compound to mask acid-induced casein precipitants, and about 60 or 75 percent water. Sufficient acidulant is present, such that the pH of the food product is no more than about 4.6. Further, the water activity of a food product is greater than about 0.85. The combination of ingredients function to provide a food product that is substantially free of harsh flavor.

Support for Amended Claim 1

As pointed out at page 7 in the applicants' response, support for the amended subject matter can be found throughout the applicants' specification. In particular, casein is a well known dairy protein to those skilled in the art. Referring to the applicants' published application U.S. Published Application No. 2005/0058761, the casein source is described as a dairy protein in [0038] (pg.12, ll. 5-11). Natural cheese is described as one source of casein in paragraph [0040] (pg. 13, ll. 3-22, pg. 14, ll. 1-2). Milk protein concentrate, rennet casein, caseinates, nonfat dry milk, whey protein concentrate, whey powder and skim cheese powder, whey powder and skim cheese powder are also described as casein sources.

Acidulants are described, for example, in paragraphs [0027] (pg. 9, ll. 1-6), [0036] (pg. 11, ll. 12-19), and [0046] (pg. 17, ll. 1-11).

Masking agents are described, for example, in paragraphs [0028] (pg. 9, ll. 7-9) and [0031] (pg. 9, ll. 17-22, pg. 10, ll. 1-3).

Water as an ingredient is described, for example, in paragraph [0034] (pg. 10, ll. 18-22, pg. 11, ll. 1-7).

The pH level and water activity is described, for example, in paragraph [007] (pg. 4, ll. 5-10).

Support for Amended Claim 2

Masking agents are described, for example, in paragraphs [0028] and [0031] (pg. 9, ll. 17-22, pg. 10, ll. 1-3).

Support for Amended Claim 4

A functional aspect of the acidulants is described, for example, in paragraph [0044] (pg. 15, ll. 5-17).

Support for Amended Claim 8

Natural cheese is described as one source of casein in, for example, paragraph [0040] (pg. 13, ll. 3-22, pg. 14, ll. 1-2).

Support for Amended Claim 16

A specific exemplary formulation is described in paragraph [0045] (pg. 16, ll. 1-20).

Support for Amended Claim 17

A specific exemplary formulation is described in paragraph [0045] (pg. 16, ll. 1-20).

Claim 19 was amended to recite a non-fermented, dairy-based cheese sauce that includes natural cheese, dairy protein, one or both of sodium acid sulfate or acidic calcium sulfate, 60-75 percent water, and a masking compound comprising a combination of cellulose gum and guar gum. The masking compound masks the casine participants and other textural defects in the food product, while the pH of the food product is about 3.0 to about 4.6 and the water activity is greater than about 0.85. The claimed cheese sauce is substantially free of harsh flavors or lumpy texture and is rendered self stable without the use of high heat.

Support for Amended Claim 19

Support for the amended subject matter can be found throughout the applicants' specification. Referring to the applicants' published application, U.S. Published Application No. 2005/0058761, see for example, paragraphs [0038] (pg.12, ll. 5-11), [0040] (pg. 13, ll. 3-22, pg. 14, ll. 1-2), [0027] (pg. 9, ll. 1-6), and [0036] pg. 11, ll. 12-19), [0034] (pg. 10, ll. 18-22, pg. 11, ll. 1-7), [0028] (pg. 9, ll. 7-9)and [0031] (pg. 9, ll. 17-22, pg. 10, ll. 1-3), [0007] (pg. 4, ll. 5-10)., and [0045] (pg. 16, ll. 1-20), as described above.

New Claims

The applicants added new claim 25 that depends from claim 1 and one of the preferred acidulents described, for example, in paragraph [0046] .

New claim 26 recites dairy protein as the casein source and that the dairy protein comprises about 5% to about 9% of the food product. Support appears, for example, in paragraphs [0038] (pg. 9, ll. 17-22, pg. 10, ll. 1-3) and [0045] (pg. 16, ll. 1-20).

Accordingly, the applicants assert that their specification fully supports the amended claims presented in their response of May 17, 2007. The applicants further assert that their amended claims are in condition for allowance and such allowance is now earnestly requested.

Respectfully submitted,

Dated: August 1, 2007

/Jasper W. Dockrey/
Jasper W. Dockrey
Registration No. 33,868
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610
(312)321-4200